

REMARKS

Applicants respectfully request entry of the Amendment and reconsideration of the pending claims, 1, 3-16, and 39, and withdrawn claims 17-38. Applicants have amended claim 1 to indicate that the water hardness anti-precipitant mixture includes 0.5-1.5 wt% of a dispersant and 0.001-10 wt % at least one of a sheeting agent, a humectant, or a mixture thereof, wherein the sheeting agent comprises at least one of nonionic block copolymer, alcohol alkoxylate, alkyl polyglycoside, zwitterionic, and mixtures thereof, and the humectant comprises at least one of glycerine, alkylene glycol, sorbitol, alkyl polyglycoside, polybetaine polysiloxane, and mixtures thereof.. Support for this amendment can be found throughout the specification, including Table 1 at page 20 and original claim 9. No new matter has been added by the amendment. Applicants respectfully request reconsideration of the claims and withdrawal of the rejections under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103(a).

Withdrawn Claims

The Examiner has agreed to rejoin withdrawn claims Applicants hereby request rejoinder of non-elected claims 17-38 under MPEP § 821.04(b) upon the allowability of claim 1.

Rejection under 35 U.S.C. § 112, first paragraph, written description

Claim 1 was rejected by the Office for failure to comply with the written description requirement regarding the anionic surfactant component and the sheeting agent are different. Without acquiescing to the rejection, this rejection is moot due to amendment of claim 1.

Rejections under 35 U.S.C. § 102(b)/103(a)

The Examiner rejects claims 1, 3-16 and 39 under 35 U.S.C. § 102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over (1) CA 2,292,966, (2) EP 0630965, (3) WO 94/14942, (4) U.S. Patent No. 5,750,482 (Cummings), and (5) U.S. Patent No. 5,486,307 (Misselyn et al.). Applicants respectfully traverse these rejections.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Mashinenfabrik*

GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458 (Fed. Cir. 1984); See also, MPEP §2131. To establish a *prima facie* case of obviousness, three criteria must be met--a suggestion or motivation to combine references, a reasonable expectation of success, and the prior art reference teaches or suggests all the claim limitations. MPEP §2143; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Applicants respectfully assert that CA 2,292,966 does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim limitations. Specifically, the '966 patent does not disclose, teach, or suggest a cleaning composition including a water hardness anti-precipitant mixture comprising 0.5-1.5 wt% of a dispersant and 0.001-10 wt % of at least one of a sheeting agent, a humectant, or a mixture thereof. In addition, the '966 patent does not disclose, teach, or suggest a cleaning composition wherein the weight ratio of the dispersant to total amount of the sheeting agent, humectant, or mixture thereof between about 1:75 and about 75:1. Furthermore, the '966 patent does not disclose, teach, or suggest a cleaning composition wherein the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1. For at least the above reasons, Applicants respectfully assert that the '966 patent does not anticipate or render the instant claims obvious.

Applicants respectfully assert that EP 0630965 does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim limitations. Specifically, the '965 application does not disclose, teach, or suggest a cleaning composition including a water hardness anti-precipitant mixture comprising 0.5-1.5 wt% of a dispersant **and** 0.001-10 wt % at least one of a sheeting agent, a humectant, or a mixture thereof. In particular, the '965 application does not disclose, teach, or suggest a water hardness anti-precipitant mixture of dispersant and sheeting agent, humectant, or mixture thereof wherein the sheeting agent comprises at least one of nonionic block copolymer, alcohol alkoxylate, alkyl polyglycoside, zwitterionic, and mixtures thereof, and the humectant comprises at least one of glycerine, alkylene glycol, sorbitol, alkyl polyglycoside, polybetaine polysiloxane, and mixtures thereof. In

addition, the '965 application does not disclose, teach, or suggest a cleaning composition wherein the weight ratio of the dispersant to total amount of the sheeting agent, humectant, or mixture thereof between about 1:75 and about 75:1. Furthermore, the '965 application does not disclose, teach, or suggest a cleaning composition wherein the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1. For at least the above reasons, Applicants respectfully assert that the '965 application does not anticipate or render the instant claims obvious.

Applicants respectfully assert that WO 94/14942 does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim limitations. Specifically, the '942 application does not disclose, teach, or suggest a cleaning composition including a water hardness anti-precipitant mixture comprising 0.5-1.5 wt% of a dispersant **and** 0.001-10 wt % at least one of a sheeting agent, a humectant, or a mixture thereof. In particular, the '942 application does not disclose, teach, or suggest a water hardness anti-precipitant mixture of dispersant and sheeting agent, humectant, or mixture thereof wherein the sheeting agent comprises at least one of nonionic block copolymer, alcohol alkoxylate, alkyl polyglycoside, zwitterionic, and mixtures thereof, and the humectant comprises at least one of glycerine, alkylene glycol, sorbitol, alkyl polyglycoside, polybetaine polysiloxane, and mixtures thereof. In addition, the '942 application does not disclose, teach, or suggest a cleaning composition wherein the weight ratio of the dispersant to total amount of the sheeting agent, humectant, or mixture thereof between about 1:75 and about 75:1. Furthermore, the '942 application does not disclose, teach, or suggest a cleaning composition wherein the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1. For at least the above reasons, Applicants respectfully assert that the '942 application does not anticipate or render the instant claims obvious.

Applicants respectfully assert that U.S. Patent No. 5,750,482 (Cummings) does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim limitations. Specifically, the '482 patent does not disclose, teach, or suggest a cleaning composition including a water hardness anti-precipitant mixture comprising 0.5-1.5 wt% of a dispersant **and** 0.001-10 wt % at least one of a sheeting agent, a humectant, or a mixture thereof. In particular, the '482 patent does not disclose, teach, or suggest a water hardness anti-precipitant mixture of dispersant and sheeting agent, humectant, or mixture thereof wherein the sheeting agent comprises at least one of nonionic block copolymer, alcohol alkoxylate, alkyl polyglycoside, zwitterionic, and mixtures thereof, and the humectant comprises at least one of glycerine, alkylene glycol, sorbitol, alkyl polyglycoside, polybetaaine polysiloxane, and mixtures thereof. In addition, the '482 patent does not disclose, teach, or suggest a cleaning composition wherein the weight ratio of the dispersant to total amount of the sheeting agent, humectant, or mixture thereof between about 1:75 and about 75:1. Furthermore, the '482 patent does not disclose, teach, or suggest a cleaning composition wherein the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1. For at least the above reasons, Applicants respectfully assert that the '482 patent does not anticipate or render the instant claims obvious.

Applicants respectfully assert that U.S. Patent No. 5,486,307 (Misselyn et al.) does not disclose each and every element of independent claim 1, or in the alternative, does not teach or suggest all the claim limitations. Specifically, the '307 patent does not disclose, teach, or suggest a cleaning composition including a water hardness anti-precipitant mixture comprising 0.5-1.5 wt% of a dispersant **and** 0.001-10 wt % at least one of a sheeting agent, a humectant, or a mixture thereof. In particular, the '307 patent does not disclose, teach, or suggest a water hardness anti-precipitant mixture of dispersant and sheeting agent, humectant, or mixture thereof wherein the sheeting agent comprises at least one of nonionic block copolymer, alcohol alkoxylate, alkyl polyglycoside, zwitterionic, and mixtures thereof, and the humectant comprises at least one of glycerine, alkylene glycol, sorbitol, alkyl polyglycoside, polybetaaine polysiloxane, and mixtures thereof. In addition, the '307 patent does not disclose, teach, or suggest a cleaning

composition wherein the weight ratio of the dispersant to total amount of the sheeting agent, humectant, or mixture thereof between about 1:75 and about 75:1. Furthermore, the '307 patent does not disclose, teach, or suggest a cleaning composition wherein the amount of the water hardness anti-precipitant mixture to the anionic surfactant component is sufficient to prevent visible precipitation when the cleaning composition is diluted with dilution water having one grain hardness at a weight ratio of 1:1. For at least the above reasons, Applicants respectfully assert that the '307 patent does not anticipate or render the instant claims obvious.

In addition, Applicants respectfully assert that none of the cited art--CA 2,292,966, EP 0630965, WO 94/14942, U.S. Patent No. 5,750,482 (Cummings), and U.S. Patent No. 5,486,307 (Misselyn et al.)—taken in combination- does not disclose, teach, or suggest all of the claim limitations in view of currently amended claim 1. In particular, the combination of art cited by the Examiner does not disclose or teach the amounts and ratios of components to produce the desired effects. Furthermore, the cited references and the rejection do not present the required reasoning for making such combination as presented in claim 1 or for modification of the teachings of the different formulations provided by each of the cited references. Consequently, the rejection does not meet the requirements for presentation of a *prima facie* case of obviousness.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) and § 103(a).

Rejection under Obviousness-Type Double Patenting

The Examiner provisionally rejects claims 1-16 and 39 under the judicial doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-26 and 1-15 of co-pending Application Nos. 11/264,820 and 11/018,046, respectively. Applicants acknowledge the Examiner's rejection for obviousness-type double patenting. Upon indication that the claims are otherwise in condition for allowance, Applicants will file a terminal disclaimer if appropriate.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 13, 2007

/Anne M. Murphy/
By: Anne M. Murphy
Reg. No. 54,327

AMM:pll